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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,361	02/23/2004	Thomas A. Gault	GP-304237	8847

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EXAMINER

WEISKOPF, MARIE

ART UNIT PAPER NUMBER

3661

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,361

Applicant(s)

GAULT ET AL.

Examiner

Marie A. Weiskopf

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 have been examined.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7, 12-16 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Weisshaar et al (US 6,757,262.) Weisshaar et al discloses a service framework supporting remote service discovery and connection. As can be seen by Figure 1, the service framework can be used with a vehicle. The service framework comprises:

- In regard to claim 1, a method of managing technical services within a mobile vehicle communications system, which receives a request for technical services from a telematics device, determines a technical service action based on the received request and provides a technical service to the telematics device responsive to the technical service action determination. (Figure 8)
- In regard to claim 2, the request for technical services includes vehicle identification data for the telematics device requesting the technical services.
(Column 8, lines 39-42)

- In regard to claim 3, the method involves maintaining a technical service queue.
(Column 17, lines 4-10)
- In regard to claim 4, a service action queue includes selecting a technical service action for at least one telematics device, associating the technical service action with a user account and a vehicle identification for the user account, assigning the associated technical service action to a position in a technical services queuing database and generating a notification of a pending technical service action for a user based on the technical service action associated with the user account. (Column 13, lines 32-37; Column 14, lines 29-35; Column 17, lines 4-37)
- In regard to claim 5, identifying a user account associated with the telematics device based on the received request and determining if one or more technical service actions associated with the user account are pending in a technical service queue. (Column 8, lines 39-42; Figure 16)
- In regard to claim 6, generating a technical services request from the telematics device. (Figure 8)
- In regard to claim 7, activating a user interface, receiving a command to the user interface to initiate a technical service request and initiating a technical service communication protocol sequence based on the received command. (Figures 13-16)
- In regard to claims 12-16, Weisshaar et al discloses that the invention is a distributed communications system with software components running on mobile

client platforms and on remote server platforms. (Column 3, lines 48-50)

Therefore, it has a computer readable medium for storing a computer program, which inherently means that all of the above mentioned must be based on computer readable code.

- In regard to claim 20, a system for managing technical services within a mobile vehicle communications system comprising a means for receiving a request for technical services from a telematics device, a means for determining a technical service action based on the received request for technical services and a means for providing a technical service to the telematics device responsive to the technical service action determination. (Figure 8)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8-10, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisshaar et al (US 6,757,262) in view of Smith (US 6,128,376.) Weisshaar discloses requiring security, such as authentication, as a precondition to a connection (Column 9, lines 1-6), however, Weisshaar et al fails to disclose attempting several telephone calls in order to receive authentication. Smith discloses a change of equal access carrier notification. Smith discusses attempting to make several phone calls in order to produce authentication for the subscriber. If the phone calls fail, the subscriber

is then directed to an operator for further help. Smith discusses if a validation code is required, the user is prompted for it. It would have been obvious to do the same sort of authentication using instead a home location registry to authenticate the telematics device, which is well known in the art. It would have been obvious to one having ordinary skill in the art at the time of the invention to include the authentication telephone calls to the invention presented by Weisshaar to give the user a few chances to be able to create a secure connection, and if no secure connection could be made, to send to an operator in order to provide the best service possible for the telematics device and the user.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weisshaar et al (6,757,262.) Weisshaar fails to disclose the invention consisting of SID table updates, telematics device reconfigurations, mobile configurations, programming error corrections, and phone number configurations. Weisshaar does disclose that the technical services selected can be any desired service, such as, but not limited to, telecommunications, broadband communications, entertainment, television, radio, recorded music, movies, computer-based games, internet, and other types of public, private, personal, commercial, government and military communications. (Column 4, lines 3-9) It would have been obvious to one having ordinary skill in the art at the time of the invention to use the invention created by Weisshaar to create the technical services available to be SID table updates, telematics device reconfigurations, mobile configurations, programming error corrections and phone number configurations in

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order to provide a specialized service for the telematics device in a mobile vehicle communication system.

Conclusion

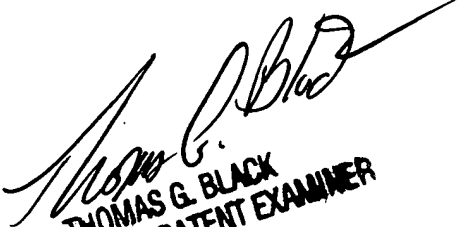
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 6,127,947 to Uchida et al discloses a vehicle information communication device and vehicle information communication system.
- US 6,181,994 to Colson et al discloses a method and system for vehicle initiated delivery of advanced diagnostics based on the determined need by the vehicle.
- US 2005/0107928 to Mueller discloses a system for remote control of vehicle functions and/or inquiry of vehicle status data.
- US 2004/0203692 to Schwinke et al discloses a method of configuring an in-vehicle telematics unit.
- US 2005/0090941 to Stefan et al discloses a telematics based programming gateway.
- US 2002/0065590 to Matsui discloses a vehicle management system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie A. Weiskopf whose telephone number is (571) 272-6288. The examiner can normally be reached on Monday-Thursday between 7:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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